

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
COUNTY OF NEWPORT**

At a meeting of the Town Council of the Town of Tiverton, County and State aforesaid, held at the Tiverton Town Hall, 343 Highland Road, on the 9th day of February 2009 A.D. at 7:00 p.m.

President Durfee opened the meeting with the Pledge of Allegiance to the Flag.

<b>Roll Call:</b>	<b>Donald Bollin-President</b>	<b>Jay Lambert</b>
	<b>JoAnne Arruda-Vice President</b>	<b>Cecil E. Leonard</b>
	<b>Hannibal Costa</b>	<b>Edward Roderick</b>
	<b>Louise Durfee</b>	

Town Administrator, James C. Goncalo

Town Solicitor, Andrew M. Teitz were also present.

**TOWN OF TIVERTON, RHODE ISLAND  
TOWN COUNCIL  
343 HIGHLAND ROAD  
PROCLAMATION**

**“CONGRATULATIONS TO DR. JON P. VAN REGENMORTER HOMETOWN HERO”**

WHEREAS: Dr. Jon P. Van Regenmorter has had a Dental Practice in the area for 13 years; and

WHEREAS: Dr. Jon P. Van Regenmorter practices dentistry at 1359 Main Road in Tiverton, Rhode, Island; and

WHEREAS: Dr. Jon P. Van Regenmorter donated custom-fitted mouth guards to the Tiverton High School football team; and

WHEREAS: Dr. Jon P. Van Regenmorter generously donated his time providing dental care to various programs and shelters; and

WHEREAS: Dr. Jon P. Van Regenmorter has been honored as Bank Five's 152<sup>nd</sup> Hometown Hero; and

WHEREAS: Dr. Jon P. Van Regenmorter is recognized for numerous generous deeds to area needs in dentistry; and

WHEREAS: Dr. Jon P. Van Regenmorter donates proceeds from dental products sales to local area charities;

**BE IT THEREFORE PROCLAIMED: That every official and citizen of**

**the Town of Tiverton extends to Dr. Jon P. Van Regenmorter congratulations and deep appreciation for his donation to the Town of Tiverton High School Football Team and the numerous other generous deeds he has performed.**

**Congratulations to Dr. Jon P. Van Regenmorter on his being BankFive's Hometown Hero.**

**TIVERTON TOWN COUNCIL:**

**Donald Bollin, President, Tiverton Town Council, February 9, 2009**

**Approval of Consent Agenda:**

All items listed with (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

Council President Bollin at this time read the items on the Consent Agenda for approval.

Councilor Durfee motioned to approve the Consent Agenda. Seconded by Councilor Roderick, motion passed unanimously.

The Consent Agenda was as follows:

**CONSENT AGENDA**

**A-1-Approval of Minutes of Previous Meetings:**

- a. Approval of Minutes from January 26, 2009 Regular Council Meeting  
(Councilor Bollin abstained- Not in attendance)
- b. Approval of Executive Session Minutes from January 26, 2009 Council Meeting  
(Councilor Bollin abstained-Not in attendance)

**A-2-Receipt of Minutes from Various Board and Commissions:**

- |                         |                                  |
|-------------------------|----------------------------------|
| a. Art's Council        | d. Planning Board of Appeals (2) |
| b. Prevention Coalition | e. Cemetery Commission           |

c. Zoning Board (3)

f. Open Space Commission

**A-3-Correspondence- Receive and File**

- a. Received From David Vannier Regarding Opportunity of Interview for Harbor Master Position
- b. Received From City of Warwick Regarding Resolution Urging Federal Deposit Insurance Corporation (FDIC) to Provide Unlimited Insurance Coverage for all Deposit Accounts of Local Government Units
- c. Received From Town of Burrillville Regarding Two Resolutions Related to House Bill 2009-H5019
- d. Received From Town of Burrillville Regarding Resolution Related to House Bill 2009-H5111
- e. Correspondence from Patricia Sullivan Regarding Stafford Pond Issues

**A- 4- a. Town Administrator-Requesting Release of Starwood Tiverton, LLC Surety Interest**

**PUBLIC HEARINGS- ADVERTISED**

**1.Town Solicitor – Proposed Adoption of an Ordinance Amending Chapter 22 to Formalize and Elaborate on Existing Practices for Entertainment at Business Establishments and/or for Money-Making Purposes - Continue From December 8<sup>th</sup> – Request Continuance to February 23<sup>rd</sup> Meeting**

Councilor Durfee motioned to continue to February 23,09 the Public Hearing for the Proposed Adoption of an Ordinance Amending Chapter 22 to formalize and elaborate on existing practices for entertainment at business establishments and /or for money-making purposes. Seconded by Councilor Roderick. Solicitor Teitz, because of a short month, asked this be continued to the first meeting in March. Councilor Durfee withdrew that motion.

Councilor Durfee then motioned to continue to March 9,2009 the proposed adoption of an ordinance amending Chapter 22 to formalize and elaborate on existing practices for entertainment at business establishments and/or for money making purposes. Seconded by Councilor Roderick motion passed unanimously.

**2.Town Administrator – Proposed Annual Review and Amendment to Various Fees, Fines and Permit Costs as Authorized by Ordinance and Previously Set Forth in Code–Continued From December 8<sup>th</sup> – Request continuance to February 23<sup>rd</sup> Meeting**

Councilor Roderick motioned to continue the Public Hearing for the proposed annual review and amendments to various fees, fines and permit costs as authorized by ordinance and previously set forth in code to March 9<sup>th</sup> Meeting. Seconded by Councilor Arruda motion passed unanimously.

The Town Council was sitting as the Board of Licensing Commissioners:

**BOARD OF LICENSING COMMISSIONERS AND PUBLIC HEARINGS:**

**APPOINTMENTS & RESIGNATIONS**

**UNFINISHED BUSINESS**

**Councilor Leonard – Update on Establishing Major Council Goals**

Councilor Leonard proposed one list that the Clerk would compile and then the Council could decide on the top five, discuss list on February 23,2009.

Councilor Leonard motioned to set the procedures for the Council Goals to be on the agenda for February 23,2009. Seconded by Councilor Costa motion passed unanimously.

**FINANCIAL BUSINESS:**

**1.Town Administrator- Request Transfer of Funds- \$5,879.33 from Account #553-611, (Landfill Gas & Diesel) to Account #554-698, (Sand, Salt & Gravel)**

Town Administrator Goncalo requested the transfer due to the increased number of snowstorms this year.

Councilor Costa motioned to transfer \$5,879.33 from Account # 553-611 (Landfill Gas & Diesel) to Account # 554-698 (Sand, Salt & Gravel). Seconded by Councilor Durfee motion passed unanimously.

**2. Town Administrator- Transfer \$3,500.00 from Account #554-451 (Snow Removal) to Account #554-698 (Sand, Salt & Gravel)**

Councilor Arruda motioned to transfer \$3,500.00 from Account # 554-451 (Snow Removal) to Account # 554-698 (Sand, Salt & Gravel). Seconded by Councilor Costa and Councilor Roderick, motion passed unanimously.

**NEW BUSINESS:**

**1. Council – Discussion With Honorable Representatives Jay Edwards and John Loughlin III and Honorable Senators Walter Felag, Jr. and Louis DiPalma Regarding the Governor’s Proposed Cut in Aid to Cities and Towns and Relief From Mandates**

Representatives Jay Edwards and John Loughlin III and Senator Walter S. Felag, Jr. appeared before the Town Council to discuss the Governor’s proposed cut in aid to the Town and if possible relief from State mandates. Senator Louis DiPalma had a previous commitment and was unable to make this meeting. Several Councilors were concerned about the State Budget, where it’s headed and relief from mandates. Councilor Durfee noted when the Governor reduced aid to the schools offsets were provided by giving relief from making pension contribution, the municipal side of the budget doesn’t have any relief. Concerned about mid year cuts, no tools for relief. Relief from mandatory staffing will help in the future but communities facing immediate concessions for current fiscal.

Representative Loughlin agreed it was unfair to cut in midstream with currently obligated funds. Some communities can withstand larger cuts than others; felt a matrix needed to be developed for communities. Has been trying over several years to get fairer system for smaller communities. Possible to add a floor amendment in the General Assembly for relief for the municipalities. Senator Felag briefly explained the budget process in the General Assembly. Councilor Durfee asked the Senator to communicate the Town’s concerns to the Finance Committee. Senator Felag stated fully aware that it more difficult and unfair for smaller communities that have limited staff to be forced to reduce employees.

Rep. Edwards wanted to know if the Town needed relief from landfill closure. President Bollin did not want to be put in a worse position by not funding. Layoffs are not an answer, cannot cut any more from the budget. Councilor Costa, referencing an item in the Consent Agenda would like to see some parts of House Bill H- 5019 go forward but not all of it. Prefers flexibility in managing local affairs. Wants to put the Resolution from Burrillville regarding H-5019 on the next meeting.

Sen. Felag noted it was important to understand the local Senators and Reps need to be the vehicle on the Town’s behalf for relief from the mandates that are detrimental to this community. Councilor Bollin wanted as much relief as the Town could get. Schools account for some 68% of the budget while the municipal side is some 32%. Rep. Loughlin thought it might be helpful, on a rotating basis to have one Rep. or Senator at every Council meeting, they will work with the Clerk to co-ordinate schedules.

Councilor Leonard wondered about the notice the Dept. of Public Works received in relation to the Stormwater II shortfalls. The State wants the DPW to attach ID tags to 167 outfalls, some which have been around for a long time. Why? When the Towns are scratching for every dollar, why do we need global positioning for the outfalls? Councilor Lambert believed regionalization and full state funding for schools should be seriously considered. Councilor Roderick thanked the Legislators; felt the General Assembly needed to move quicker as there are four and one half months left in the fiscal year and the budget still does not have final numbers.

Councilor Durfee was concerned about the Financial Town Meeting (FTM) in early May and the kind of financial information the Town will have from the State. Part of the problem is the State and Town run on the same fiscal year. The State has a general budget conference, which looks at revenues, predicated upon people paying their income tax. The next report will be in May and numbers could conceivably be even lower than expected.

Discussion of the FTM being put off to early July; Council can’t do that by itself, seen as almost impossible to have the correct financial numbers by May. Councilor Arruda remarked the Budget Committee meets regularly and the budget is being built on assumption, anticipating cuts for next year, asking Dept. Heads to cut 15 percent and not based on real numbers.

President Bollin did not see much relief in minimum staffing because overtime accounts could then be affected. Sen. Felag asked for a list of mandates the Town feels is important. Several School Committee members were also in attendance. School Committee Chair Jan Bergandy said all the school mandates were clearly identified, and have been presented to the legislature many times.

The Council thanked the Legislators for attending the meeting and for their input.

## **2.Honorable Representative Jay Edwards – Request Council Resolution for House Bill H-5200 – Renaming of Sakonnet River Bridge**

Representative Edwards has introduced a bill in the legislature on behalf of Veteran's groups and the Potts family to rename the Sakonnet River Bridge the "Staff Sergeant Christopher Potts Sakonnet Bridge". Sgt. Potts died in action while serving with the 39<sup>th</sup> Brigade Combat Team in Iraq. Rep. Edwards along with veteran's groups research and found there is nothing else in the State honoring our veteran's who have served in Iraq. There will be tower abutments on the proposed new bridge, which will have the State seal, looking to have the Department of Transportation put names of soldiers from both Tiverton and Portsmouth on the abutments. Asking the Council to issue a resolution acknowledging that the Council would like to have the new bridge named after Sgt. Potts.

Councilor Roderick, whose son has served in Iraq, said there could be no greater honor. Councilor Durfee suggested a monument of acknowledgment other than the bridge. This issue has come before the Council several times and has always voted to keep the Sakonnet Bridge name. Councilor Durfee said there was no disrespect to anyone but supported keeping the name Sakonnet Bridge.

Councilor Leonard motioned to pass the resolution that the new Sakonnet Bridge be renamed the Staff Sergeant Christopher Potts Sakonnet Bridge. Councilor Roderick seconded the motion. Councilor Costa, a Korean War Veteran, did not mean any disrespect but favored retaining the Sakonnet Bridge name. The motion passed on a vote of 5-2, Councilors Durfee and Costa opposed.

Councilor Arruda recused herself from the bid proposal and left the Council table.

### **BIDS & REQUESTS FOR PROPOSALS**

#### **Town Administrator and Chief Thomas Blakey-Request Bid Award for Sprinkler System Installation at the Police Department**

Chief Blakey submitted the received RFPs in accordance with the requirement from Rhode Island Fire Board of Appeal and Review for the installation of sprinklers in the area of the three holding cells. Seven companies were contacted, three submitted bids. The RFP was in 2005 for a small job.

Councilor Durfee motioned to award to the low bidder Cintas Fire Protection (Pawtucket, RI) @\$5,200.00. Seconded by Councilor Roderick motion passed 4-2, Councilors Costa and Leonard opposed.

Councilor Arruda returned to the Council table at this time.

### **TOWN ADMINISTRATOR ANNOUNCEMENTS, COMMENTS AND QUESTIONS**

1. Town Administrator announced receiving a retirement notice from Sgt. Charles Mulcahy effective March 31, 09.
2. Administrator met with Deputy Chief of RIED, Bill Parsons. RIED will be issuing RFPs for site consultation on six sites in the State of RI and the Tiverton Industrial Park is one of the sites.

### **PUBLIC ANNOUNCEMENTS:**

### **COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS:**

#### **Councilors Roderick and Lambert – Updating F/Y 2010 Budget**

Councilor Roderick noted there is still more work to done with the budget. The Town Council held a workshop on Saturday February 7 to review various areas of the budget. Administrator Goncalo is meeting with the Blue Cross representative, looking for ways to save.

### **TOWN SOLICITOR, ANNOUNCEMENTS, COMMENTS AND QUESTIONS:**

### **CLOSED EXECUTIVE SESSION**

#### **1.Town Solicitor - Litigation – 42-46-5(a) (2)**

A motion was made by Councilor Durfee to enter into Executive Session pursuant to 42-46-5(a)(2)-Litigation. Seconded by Councilor Arruda the motion passed 6-1, Councilor Costa opposed due to lack of back up material provided.

#### **2. Councilor Leonard /Town Administrator – 42-46-5(a)(2) – Collective Bargaining AFSCME, Teamsters, IAFF and IBPO**

A motion was made by Councilor Durfee to remain in Executive Session pursuant to 42-46-5(a)(2)-Collective Bargaining AFSCME, Teamsters, IAFF and IBPO. Seconded by Councilor Arruda motion passed 6-1, Councilor Costa opposed due to lack of back up material.

The Council entered into Executive Session at approximately 8:25 p.m.

The Council returned to Open Session at approximately 9:45p.m.

**OPEN SESSION:**

Council President Bollin announced action had been taken in Executive Session regarding litigation. Councilor Durfee motioned to seal the minutes of the Executive Session, seconded by Councilor Roderick. Motion passed unanimously.

**ADJOURNMENT:**

Councilor Durfee motioned to adjourn, seconded by Councilor Roderick. Motion passed unanimously.

Council adjourned at approximately 9:50p.m.

A True Copy.

ATTEST: \_\_\_\_\_  
Nancy L. Mello, Town Clerk